

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 31305
Docket No. MW-30976
95-3-92-3-888

The Third Division consisted of the regular members and in addition Referee Elizabeth C. Wesman when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(Consolidated Rail Corporation

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

- (1) The Agreement was violated when the Carrier assigned an outside concern (Hilltop Paving) to perform grade crossing paving work on the Pittsburgh Division at the Hillside, Ridge, Maple and Clairton road crossing at Mile Posts 303.9, 305, 24.6 and 24.5, respectively, on May 31, June 21 and 26, 1991 (System Docket MW-2175).
- (2) The Agreement was further violated when the Carrier failed and refused to furnish the General Chairman with proper advance written notice of its intention to contract out said work and discuss the matter in good faith as required by the Scope rule.
- (3) As a consequence of the violations referred to in Parts (1) and/or (2) above, furloughed Pittsburgh Division Class 2 Machine Operators W.G. Devlin, A.B. Roney, furloughed Pittsburgh Division Vehicle Operators R.C. Atkinson, T.P. Townsend, furloughed Pittsburgh Division Trackmen A.E. Long, J.A. DeLuca and furloughed Pittsburgh Division Foreman R. Burdette shall each be allowed twenty-four (24) hours' pay at their respective straight time rates."

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

This claim is identical (except for the number of Claimants named) to the claim reviewed and denied in Third Division Award 30537. This Board finds no basis for departing from the findings of the Board in that Award. Since the issue raised in this docket has been resolved in Award 30537, this claim is dismissed as being a duplication of Award 30537.

AWARD

Claim dismissed.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 19th day of January 1996.